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*ADMITTED IN MARYLAND & D.C.

August 21, 2009

FILED VIA ECF ONLY

Honorable Deborah K. Chasanow
United States District Judge
United States Courthouse
6500 Cherrywood Lane
Greenbelt, Maryland 20770

RE: *United States v. Michael K. Lewis*
Criminal Number DKC-08-0289

Dear Judge Chasanow:

The purpose of this letter is to respectfully advise the Court that I do not believe that there is presently scheduled adequate time for Mr. Lewis' sentencing hearing on September 3, 2009. Therefore, I am requesting that the Court consider continuing the September 3rd date and scheduling another sentencing hearing date.

There are several reasons for this request. First, one of the disputed issues is the vulnerable victim adjustment pursuant to U.S.S.G. §3A1.1(b). Yesterday, the government told defense counsel that it intends only to introduce a transcript of the witness testimony and Court findings from the sentencing hearing of co-defendant Earnest Lewis as its evidence to support the adjustment for Michael K. Lewis. To my knowledge, the transcript will not be available until next week. Moreover, if that is the case, the defense will have to use Rule 17 to not only serve, but compel the presence and testimony of those individuals (and perhaps others) who testified at the Earnest Lewis sentencing hearing. Second, I have a good faith basis to advise the Court that Michael K. Lewis may, in addition to any allocution rights, testify on the vulnerable victim adjustment issue. And finally, given the victim impact and related issues for this particular defendant, I have no doubt that the Michael K. Lewis sentencing hearing will last longer than the Earnest Lewis sentencing hearing that spanned two days.

The Honorable Deborah K. Chasanow
August 21, 2009
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Thank you for your consideration of this request.

Very truly yours,

/s/
Timothy J. Sullivan

TJS:mn

cc: AUSA Gina L. Simms
AUSA Jonathan Su
USPO Turner Mebane